

FILED MAR 31 1999

By

[Signature]

H B. No. 3802

A BILL TO BE ENTITLED

AN ACT

relating to the approval of certain long-term contracts of certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 49, Water Code, is amended by adding Section 49.1085 to read as follows:

Sec. 49.1085. CONTRACT ELECTIONS IN COUNTY WITH POPULATION GREATER THAN 2.8 MILLION. (a) This section applies to a district located entirely in a county with a population of 2.8 million or more.

(b) Before a district to which Section 49.108 applies may enter into any contract under Section 49.213 or any other law, for a term that will exceed three years for the purpose of obtaining surface water for use or sale within or to the district, the district shall obtain the approval of the commission, notwithstanding the source of funds to be used to make payments under such proposed contract.

(c) A proposed contract to which subsection (b) applies shall be reviewed by the commission in the same manner as a contract subject to Section 49.181.

(d) If the commission approves a contract to which subsection (b) applies, the contract shall be subject to an approval election in the same manner as required by Section 49.108(b).

(e) Section 49.182 applies to a contract to which subsection (b) applies.

(f) Notwithstanding any other law, the books and records of all parties to a contract to which subsection (b) applies shall be made available for inspection by the commission and by a district with

1 which the party has contracted as necessary for the commission to perform its duties under this
2 section and for the district to comply with Subchapter G.

3 SECTION 2. The importance of this legislation and the crowded condition of the calendars
4 in both houses create an emergency and an imperative public necessity that the constitutional rule
5 requiring bills to be read on three several days in each be suspended, and this rule is hereby
6 suspended, and that this Act take effect and be in force from and after its passage, and it is so
7 enacted.

HOUSE COMMITTEE REPORT

90A11-11111111

JUNE 11 1990

1st Printing

By Hilbert

H.B. No. 3802

Substitute the following for H.B. No. 3802:

By Counts

C.S.H.B. No. 3802

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(b) A district to which Section 49.108 applies may not enter into any contract for a term of more than three years to obtain surface water for use or sale in the district before:

(1) the commission has reviewed and approved the contract in the manner provided by Section 49.181 for review and approval of bonds; and

(2) the contract is approved in an election in the manner provided by Sections 49.108(b) and (c).

(c) Section 49.182 applies to a contract formed under this section.

(d) Notwithstanding any other law, each party to a contract under this section shall make the party's books and records available for inspection by the commission and by a district that is a party to the contract as necessary for the commission to

1 perform its duties under this section and for the district to
2 comply with Subchapter G.

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4 crowded condition of the calendars in both houses create an
5 emergency and an imperative public necessity that the
6 constitutional rule requiring bills to be read on three several
7 days in each house be suspended, and this rule is hereby suspended,
8 and that this Act take effect and be in force from and after its
9 passage, and it is so enacted.

COMMITTEE REPORT

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

4/7/99
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES

to whom was referred HB 3802 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- (✓) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (✓) yes () no A fiscal note was requested.
- () yes (✓) no A criminal justice policy impact statement was requested.
- () yes (✓) no An equalized educational funding impact statement was requested.
- () yes (✓) no An actuarial analysis was requested.
- () yes (✓) no A water development policy impact statement was requested.
- () yes (✓) no A tax equity note was requested.
- () The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Counts, Chair	✓			
King, T., Vice-chair				✓
Cook	✓			
Corte	✓			
Hamric	✓			
Lewis, R.				✓
Puente				✓
Shields	✓			
Walker	✓			

Total 6 aye
 0 nay
 0 present, not voting
 3 absent

David Buntz
CHAIR

BILL ANALYSIS

Office of House Bill Analysis

C.S.H.B. 3802
By: Hilbert
Natural Resources
4/9/1999
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Northwest Harris County is facing subsidence penalties if is no long-range plan for conversion to surface water is in place prior to the year 2003. The effective date of such penalties may be moved up to 2001. Water districts will be forced to contract for surface water or pay the penalties. The legislature may not meet again prior to the time any contractual process is begun. C.S.H.B. 3802 puts procedures in place for long-term contracts by a water district with a population of 2.8 million or more.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 49, Water Code, by adding Section 49.1085, as follows:

Sec. 49.1085. CONTRACT ELECTIONS IN COUNTY WITH POPULATION GREATER THAN 2.8 MILLION. (a) Provides that this section applies only to a district located entirely in a county with a population of 2.8 million or more.

(b) Prohibits an applicable district from entering into any contract for a term that will exceed three years for the purpose of obtaining surface water for use or sale in the district, before obtaining the approval of the Texas Natural Resources Conservation Commission (commission) in the same manner as a contract subject to Section 49.181 (Authority of Commission Over Issuance of District Bonds), Water Code and the contract is approved in an election in the manner provided by Sections 49.108(b) and (c) (Contract Elections), Water Code.

(c) Provides that Section 49.182 (Commission Supervision of Projects and Improvements), Water Code, applies to a contract to which Subsection (b) applies.

(d) Requires the books and records of all parties to a contract to which Subsection (b) applies to be made available for inspection by the commission and by a district with which the party has contracted as necessary for the commission to perform its duties under this section and for the district to comply with Subchapter G (Audit of Districts), Water Code.

SECTION 2. Emergency clause.
Effective date: upon passage.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original in SECTION 1 by inserting a complete statutory reference with respect to the approval of a contract in an election, and by making nonsubstantive modifications to the language of the bill.

SUMMARY OF COMMITTEE ACTION

HB 3802

April 7, 1999 2:00PM or upon adjournment

Considered in public hearing

Committee substitute considered in committee

Testimony taken in committee

Reported favorably as substituted

2

WITNESS LIST

HB 3802
HOUSE COMMITTEE REPORT
Natural Resources Committee

April 7, 1999 - 2:00PM or upon adjournment

For: Bresnen, Steve (Spirit of North Harris County
 Coalition)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 9, 1999

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB 3802** by Hilbert (relating to the approval of certain long-term contracts of certain counties), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies: 582 Natural Resource Conservation Commission
LBB Staff: JK, DE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 5, 1999

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB 3802 by Hilbert (Relating to the approval of certain long-term contracts of certain counties), **As Introduced**

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15
ENGROSSED
SECOND READING

By Hilbert

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(1) the commission has reviewed and approved the contract in the manner provided by Section 49.181 for review and approval of bonds; and

(2) the contract is approved in an election in the manner provided by Sections 49.108(b) and (c).

(c) Section 49.182 applies to a contract formed under this section.

(d) Notwithstanding any other law, each party to a contract under this section shall make the party's books and records available for inspection by the commission and by a district that is a party to the contract as necessary for the commission to

1 perform its duties under this section and for the district to
2 comply with Subchapter G.

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4 crowded condition of the calendars in both houses create an
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ADOPTED

APR 21 1999

Sharon Carter
Chief Clerk
House of Representatives

By Hilbert

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HOUSE ENGROSSMENT

By Hilbert

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Austin, Texas

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April 9, 1999

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LBB Staff: JK, DE

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Austin, Texas

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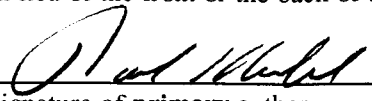
76TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

For chief clerk use only
Bill or Resolution Number:

HB 3802


signature of **primary** author

PAUL J. HULSE
printed name of **primary** author

3/31/89
Date

PERMISSION TO SIGN HB 3802 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

☒ ALL REPRESENTATIVES
☐ THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2120 Alexander	Date	A2600 Counts	Date	A2795 Farabee	Date
A2115 Allen	Date	A2605 Crabb	Date	A2810 Farrar	Date
A2105 Alvarado	Date	A2610 Craddick	Date	A2840 Flores	Date
A2135 Averitt	Date	A2615 Crownover	Date	A2920 Gallego	Date
A2160 Bailey	Date	A2645 Cuellar	Date	A2930 Garcia	Date
A2205 Berman	Date	A2635 Culberson	Date	A2940 George	Date
A2250 Bonnen	Date	A2670 Danburg	Date	A2935 Giddings	Date
A2275 Bosse	Date	A2620 Davis, John	Date	A2880 Glaze	Date
A2260 Brimer	Date	A2625 Davis, Yvonne	Date	A2985 Goodman	Date
A2265 Brown, Betty	Date	A2680 Delisi	Date	A2990 Goolsby	Date
A2270 Brown, Fred	Date	A3385 Denny	Date	A3005 Gray	Date
A2255 Burnam	Date	A2690 Deshotel	Date	A3000 Green	Date
A2300 Capelo	Date	A2705 Driver	Date	A3010 Greenberg	Date
A2400 Carter	Date	A2665 Dukes	Date	A3020 Grusendorf	Date
A2585 Chavez	Date	A2660 Dunnam	Date	A3030 Gutierrez	Date
A2480 Chisum	Date	A2650 Dutton	Date	A3035 Haggerty	Date
A2525 Christian	Date	A2770 Edwards	Date	A2695 Hamric	Date
A2520 Clark	Date	A2760 Ehrhardt	Date	A3160 Hardcastle	Date
A2435 Coleman	Date	A2775 Eiland	Date	A3170 Hartnett	Date
A2565 Cook	Date	A2785 Elkins	Date	A3345 Hawley	Date
A2595 Corte	Date	A2790 Ellis, Dan	Date	A3180 Heflin	Date

For chief clerk use only
Bill or Resolution Number: HB 3802

A3310 Hilbert	Date	A3715 Madden	Date	A4435 Shields	Date
A3250 Hilderbran	Date	A3750 Marchant	Date	A4445 Siebert	Date
A3275 Hill	Date	A2700 Maxey	Date	A4525 Smith	Date
A3270 Hinojosa	Date	A3665 McCall	Date	A4530 Smithee	Date
A3305 Hochberg	Date	A3650 McClendon	Date	A4550 Solis, Jim	Date
A3290 Hodge	Date	A3845 McReynolds	Date	A4560 Solis, Juan	Date
A3325 Homer	Date	A3840 Merritt	Date	A4505 Solomons	Date
A3320 Hope	Date	A3855 Moreno, Joe	Date	A4515 Staples	Date
A3315 Howard	Date	A3860 Moreno, Paul	Date	A4570 Swinford	Date
A3355 Hunter	Date	A3870 Morrison	Date	A4585 Talton	Date
A3360 Hupp	Date	A3865 Mowery	Date	A4605 Telford	Date
A3375 Isett	Date	A3885 Naishtat	Date	A4630 Thompson	Date
A3415 Janek	Date	A3890 Najera	Date	A4635 Tillery	Date
A3410 Jones, Charles	Date	A3895 Nixon, Joe	Date	A4650 Truitt	Date
A3405 Jones, Delwin	Date	A3900 Noriega	Date	A2730 Turner, Bob	Date
A3400 Jones, Jesse	Date	A3880 Oliveira	Date	A4685 Turner, Sylvester	Date
A3440 Junell	Date	A3886 Olivo	Date	A4690 Uher	Date
A3475 Keel	Date	A4010 Palmer	Date	A4695 Uresti	Date
A3480 Keffer	Date	A4180 Pickett	Date	A4720 Van de Putte	Date
A3470 King, Phil	Date	A4185 Pitts	Date	A4990 Walker	Date
A3465 King, Tracy	Date	A4200 Puente	Date	A4995 West, George "Buddy"	Date
A3485 Krusee	Date	A4210 Ramsay	Date	A5035 Williams	Date
A3450 Kuempel	Date	A4240 Rangel	Date	A5000 Wilson	Date
A3510 Laney	Date	A4245 Reyna, Arthur	Date	A5020 Wise	Date
A3520 Lengefeld	Date	A4236 Reyna, Elvira	Date	A5015 Wohlgemuth	Date
A3605 Lewis, Glenn	Date	A4250 Ritter	Date	A4980 Wolens	Date
A3600 Lewis, Ron	Date	A4370 Sadler	Date	A5005 Woolley	Date
A3615 Longoria	Date	A4380 Salinas	Date	A5025 Yarbrough	Date
A3620 Luna, Vilma	Date	A4420 Seaman	Date	A5040 Zbranek	Date

H.B. No.

3802

By

Hill

A BILL TO BE ENTITLED
AN ACT

Relating to the approval of certain long-term contracts of certain counties.

PERMISSION GRANTED TO INTRODUCE

MAR 31 1999

Filed with the Chief Clerk

MAR 31 1999

Read first time and referred to Committee on

Natural Resources

APR 07 1999

Reported favorably ~~(amended)~~
(as substituted)

APR 12 1999

Sent to Committee on (Calendars)

APR 21 1999

Read second time (comm. subst.) ~~(amended)~~; passed to third reading ~~(failed)~~ by a (non-record vote)
(~~record vote~~ ~~yeas~~, ~~nays~~, ~~present~~, ~~not voting~~)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting

APR 22 1999

Read third time ~~(amended)~~; finally passed ~~(failed to pass)~~ by a (non-record vote)

APR 23 1999

Engrossed

APR 23 1999

Sent to Senate

Sharon Carter

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 23 1999

Received from the House

APR 26 1999

Read and referred to Committee on

NATURAL RESOURCES

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

Read third time, _____, and passed by (a viva voce vote)
(_____ yeas, _____ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

99 APR 20 11 00 AM
HOUSE